

## WHAT IS CHILD SUPPORT?

Both parents are responsible for taking care of their child, even if the child lives with only one parent. The amount of money that parents need to raise a child is called “child support.” The amount depends on how much money the parents earn and the cost of taking care of the child. The amount is set according to the child support guidelines. The parent who does not live with the child is called the *noncustodial parent*; the parent or person who takes care of the child on a daily basis is called the *custodial parent*. Child support is different and separate from visitation or custody. If the child is in foster care or in the physical custody of someone else, both biological parents are responsible for paying child support.

A court or DCSE will order the noncustodial parent to pay “current child support” until the child turns eighteen or, if still a full-time high school student, until the child graduates or turns nineteen—whichever occurs first. If the child goes to live with the other parent, or marries, joins the military, etc., the court may stop the current child support. **Even if the noncustodial parent is in jail, unemployed, etc., the current child support is still to be paid.** Unpaid current child support becomes child support arrears, also known as “back support” or arrearages, and it **remains a legal, enforceable debt which cannot be forgiven or erased.**

Because the *duty* to provide support is owed to the child, neither the custodial parent nor DCSE can:

- waive the payment of child support;
- forgive unpaid child support;
- negotiate or settle for a different amount of child support other than what is specified in the child support order; or
- return child support payments (except in extremely rare instances where the Commissioner has the authority).

If the child ever received public assistance, Medicaid, or is/was in foster care, DCSE must be involved and the parents must cooperate with its requirements. Either parent may open a case with DCSE or take child support matters to court. The parent who opens the case with DCSE may close the case at any time unless there is money owed to the Commonwealth or another state. **Any child support order remains in effect even though the case is closed with DCSE.**

When a court determines the amount of child support to be paid, the most important factor is the income of both parents. By using the child support guidelines, courts derive an amount the noncustodial parent must pay the custodial parent for the support needs of the child or children.